

REMARKS

This paper is filed in response to the Office Action mailed on December 29, 2004. A two-month extension of time is submitted herewith.

Claims 1-3, 5-7 and 9 have been amended; claim 4 has been cancelled; and claims 14-21 have been added. Due to the cancellation of claim 4, no additional claims fees are required. The case now has three independent claims—claim 1, claim 14 and claim 20.

The Office Action indicates that claims 6 and 9 include allowable subject matter. In response, claim 14 is a rewritten version of claims 1 and 4-6 and is therefore allowable as are dependent claims 15-19. Claim 20 is a rewritten version of claims 1 and 8-9 and is therefore allowable as is dependent claim 21. Therefore, Applicants respectfully submit that claims 14-21 are allowable.

In the Office Action, the information disclosure statement is objected to. In response, a supplemental information disclosure statement was filed on February 15, 2005.

The Office Action rejects claims 1-13 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. In response, the term “accommodating” has been deleted from independent claim 1 and is not used in new independent claims 14 and 20. The language of claims 2 and 3 has been clarified and, in claim 4, the light guide has been further characterized as a “plate-like structure”. Finally, the term “or the like” has been deleted from claim 9. Applicants respectfully submit that all claims are now in full compliance with 35 U.S.C. § 112.

Turing to the rejections based upon the prior art, claims 1-3 and 13 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,092,318 (“Arie”). In response, claim 1 has been amended to traverse this rejection.

Under MPEP § 2131,

"[t]o anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Citing, Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Amended claim 1 requires the light guide to comprise a plate-like structure made from a light transmitting material that extends parallel to the front plate and that engages the at least one three dimensional body to which it couples light. Arie does not teach or suggest this combination. Indeed, the Patent Office doesn't even allege that Arie anticipates now-cancelled claim 4. In any event, the light guide shown at reference numerals 6, 104A, 204A and 330 of Arie as relied upon by the Patent Office are clearly not plate-like structures. Arie is only directed toward a fiber optic-type apparatus and therefore cannot serve as an anticipating reference for amended claim 1. Accordingly, Applicants respectfully submit that the anticipation rejection of claims 1-3 and 13 is rendered moot by the amendment to claim 1.

Next, the Office Action rejects claims 1-4, 7-8 and 11-13 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5, 151,679 ("Dimmick"). In response, claim 1 has been amended to render this anticipation moot as well.

Specifically, Dimmick does not teach or suggest a light guide that is a plate-like structure. The only light guide of Dimmick is the pipe 80 which accommodates the light emitting diode 90. The pipe 80 is a cubicle structure, not a plate-like structure. In any event, the pipe 80 does not engage a three dimensional structure for purposes of coupling light thereto. Instead, the light pipe 80 engages a two dimensional circuit board 60 as shown in Fig. 3 and described at column 11, lines 22-30. Thus, the light pipe 80 is intended to illuminate the entire housing and not couple light to any specific three dimensional structure as recited in amended claim 1. Therefore, Dimmick cannot anticipate claim 1 for at least two reasons; Dimmick does not teach or suggest a light guide that is a plate-like structure and Dimmick does not teach or suggest engaging a plate-like light guide to a three dimensional body for coupling light to that body. Instead, the Dimmick light pipe 80 is coupled to circuit board, and does not couple light to the circuit board 60.

Accordingly, in view of the amendments to claim 1, Applicants respectfully submit that the anticipation rejection of claims 1-4, 7-8 and 11-13 based on Dimmick is now moot.

Next, the Office Action rejects claim 5 under 35 U.S.C. § 103 as being unpatentable over Dimmick in view of Arie. Applicants respectfully submit that this rejection is improper for the following reasons.

Under MPEP § 2142,

"[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure."

Citing, In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *see also* MPEP § 2143-§ 2143.03 for decisions pertinent to each of these criteria.

Claim 5 depends from now-allowable claim 1. As noted above, Dimmick does not teach or suggest a light guide that is a plate-like structure that engages a three dimensional body for transmitting light thereto from the light source. Dimmick only teaches a pipe 80 which engages a flat circuit board 60 as shown in Fig. 3. Arie is even more remote as its three dimensional body 6 is more of a light guide and the plate 3 is equivalent to the front plate of claim 1. Arie in no way teaches or suggests a light guide that is a plate-like structure parallel to a front plate.

Therefore, no combination of Dimmick and Arie teaches or suggests every element of amended claim 1 because no combination of these two references teaches or suggests a light guide that is a plate-like structure that extends parallel to a front plate and no combination of these two references teaches or suggests a plate-like light guide that engages a three dimensional body for coupling light thereto. Accordingly, the obviousness rejection of claim 5 based on Dimmick and Arie is now moot.

Next, the Office Action rejects claim 10 under 35 U.S.C. § 103 as being unpatentable over Dimmick in view of U.S. Patent No. 5,398,170 ("Lee"). This rejection is now moot because claim 10 depends from now-allowable claim 1. The deficiencies of Dimmick with respect to allowable claim 1 are discussed above. Dimmick does not teach or suggest a plate-like light guide that engages a three dimensional body for transmitting light thereto. Lee is merely cited for the proposition that it teaches a fiber optic display with a fluorescent material. Lee does not teach or suggest any sort of a plate-like light guide that is disposed parallel to a front plate (the Lee light guide 106 is disposed perpendicular to the front plate 134) and therefore Lee cannot supplement Dimmick to render claim 1 obvious. Because claim 1 is not obvious in view of Lee and Dimmick, claim 10 is not obvious as well and the obviousness rejection of claim 10 is now moot.

Finally, the Office Action rejects claim 10 under 35 U.S.C. § 103 as being unpatentable over Arie in view of Lee. This rejection is now moot for the same reason that the rejection of claim 10 based upon Dimmick and Lee is moot. Specifically, the Lee light guides 106 are disposed perpendicular to the front plate 134 and therefore no combination of Lee and Arie teaches or suggests the structural features recited in now-allowable claim 1. Arie clearly does not teach or suggest a plate-like light guide and therefore no combination of Arie and Lee can render claim 1 obvious or dependent claim 10 obvious. Accordingly, the rejection of claim 10 based upon Arie and Lee is rendered moot by the amendments to claim 1.

An early action indicating the allowability of this application is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 C.F.R. § 1.17 to Deposit Account No. 13-2855.

Respectfully submitted,

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